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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

AN, SHAWN S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 03/27/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/388,831**

Applicant(s)  
**Gregory Borchers**

Examiner  
**Shawn An**

Art Unit  
**2613**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 13, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 18-35 is/are rejected.
- 7) ☒ Claim(s) 14-17 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-9, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Yui (5,677,741).

**Regarding claim 8**, Yui discloses a real time video method for adjusting real time color images encoded in a video signal for producing a display, comprising:  
decoding the video signal into at least one original color signal (Fig. 8, 87); and  
generating an adjusted the color signal from the original color signal according to a first transform (col. 1, lines 40-47);  
applying the video signal and the adjusted signal to the screen (col. 1, lines 48-56); and  
allowing a user to select either the video signal or the adjusted signal, and thereafter applying only the selected signal to the screen (Fig. 2A).

**Regarding claims 9 and 11**, Yui discloses using a reference color image to generate one reference color signal, and generating the first/second adjusted color signal from the reference color signal according to a first/second tested transform (Figs. 1, 4, and 7) as specified.

**Regarding claim 13**, Yui discloses digitizing (76) the original color signal, and generating being performed by looking up in a memory an adjusted value corresponding to the original value (80) as specified.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 12, 18-26, and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yui (5,677,741) in view of Ueda et al (5,986,642).

**Regarding claim 1**, Yui discloses a real time video system for displaying color images that are adjusted from original color images encoded in a video signal, comprising:  
a decoder (Fig. 8, 87) for decoding the video signal into at least one original color signal;  
a processor (Fig. 7, 80) for receiving the color signal, and for generating an adjusted color signal from the original color signal for compensating for a first type of color blindness; and  
a display circuitry (6 or 75) for displaying the original color signal or the adjusted color signal.

Yui does not specifically disclose displaying the original color signal and the adjusted color signal simultaneously.

However, Ueda et al teaches color adjustment device including a display circuitry for displaying the original color signal and the adjusted color signal simultaneously (col. 1, lines 29-40).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a real time video system for displaying color images that are adjusted from original color images as taught by Yui to incorporate the well known concept of displaying the original color signal and the adjusted color signal simultaneously as taught by Ueda et al so that the observer can easily analyze the difference between the original color image and the adjusted color image, thereby creating an user's custom input as desired.

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**Regarding claim 2**, Yui discloses a processor (7), for outputting two adjusted color signals for compensating for the first and a second type of color blindness, and means for selecting to output one of the first and the second adjusted color signals (col. 4, lines 7-24) as specified.

**Regarding claim 3**, Yui discloses series of ordered sets of original samples, wherein the adjusted color signal is associated with a series of ordered sets of samples according to a first color adjustment predefined for first type of color blindness (9 or 88) as specified.

**Regarding claim 4**, Yui discloses memory (9 or 88) coupled with the processor and having stored therein the sets of original values and the first set of adjusted values as specified.

**Regarding claim 5**, Yui discloses means for combining the original samples of a single ordered set thereby generating a single sample for inputting into the memory as an address (12, 7) as specified.

**Regarding claim 6**, Yui discloses the memory reading out a single sample for each ordered set of original samples, and the means for extracting sample output by the memory an ordered set of adjusted samples (col. 3, lines 23-67) as specified.

**Regarding claim 7**, Yui discloses a screen (6 or 75) for receiving the adjusted color signal as specified.

**Regarding claim 12**, Yui discloses a real time video method for adjusting real time color images encoded in a video signal for producing a display, comprising:  
decoding the video signal into at least one original color signal (Fig. 8, 87);  
using a reference color image to generate one reference color signal, and generating an adjusted color signal from the reference color signal according to a tested transform (Figs. 1-2, 4, and 7).  
applying the adjusted signal to the screen for displaying color images (col. 1, lines 48-56);  
accepting an input from a viewer as to whether the adjusted reference image is desirable, and if the adjusted reference image is desirable, using the tested transform (Figs. 1-2, 4, and 7).

Yui does not specifically disclose partitioning the screen into a plurality of sections, and wherein the adjusted reference image is displayed in only one of the sections.

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However, Ueda et al teaches color adjustment device including a display circuitry for displaying the original color signal (one section) and the adjusted reference color signal (other section) simultaneously (col. 1, lines 29-40).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a real time video system for displaying color images that are adjusted from original color images as taught by Yui to incorporate the well known concept of displaying the original color signal and the adjusted color signal simultaneously as taught by Ueda et al so that the observer can easily analyze the difference between the original color image and the adjusted color image, thereby determining an amount of color adjustment data as desired.

**Regarding claims 18 and 25**, a device for generating compensated video signals, comprising:

an input for accepting an original color signal (Fig. 1, 2);  
a video transformer (7) for creating a video signal compensated from the original video signal;  
accepting a selection of preferred video signal (2 or 7); and  
a display generator (6 or 75) for displaying the original color signal or the adjusted color signal;

Yui does not specifically disclose a partitioner for partitioning a display into a first and a second sections, and a display generator for displaying the original video in the first section and the compensated video signal in the second section.

However, Ueda et al teaches color adjustment device including a display generator (Fig. 2, 26) for displaying the original color signal (first section) and the adjusted reference color signal (second section) simultaneously (col. 1, lines 29-40).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a real time video system for displaying color images that are adjusted from original color images as taught by Yui to incorporate the well known concept of displaying the original color signal and the adjusted color signal simultaneously as taught by Ueda et al so that the

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observer can easily analyze the difference between the original color image and the adjusted color image, thereby determining an amount of color adjustment data as desired.

**Regarding claim 19**, Yui discloses an input (7) accepting either the original video signal or the compensated video signal; and a display generator ( 5 or 6) displaying only the preferred signal.

**Regarding claims 20-21 and 28-29**, Ueda et al discloses a plurality of video signals representing different degree of same type of color blindness or for different type of color blindness, and simultaneously displaying all of the compensated video signals (Fig. 1).

**Regarding claim 22**, Yui discloses creating compensated video signal based on a pre-defined color map (Fig. 5).

**Regarding claims 23 and 34**, Yui discloses memory look up color table (Fig. 8, 88).

**Regarding claim 24 and 35**, Yui discloses a memory color transform calculator (Fig. 7, 77).

**Regarding claim 26**, Yui discloses storing a selection (9).

**Regarding claim 30**, it is considered an inherent feature for simultaneously displaying the both video signals after a signal is received. A display device must have an inherent receiving signal in order to display.

**Regarding claims 31-32**, the automatic generating/starting feature with set timing (for example: 1hr, 1day, 1yr) is well known in the art.

**Regarding claim 33**, Yui discloses a user input (Fig. 1, 13).

5. Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yui (5,677,741).

**Regarding claims 10 and 27**, Yui discloses a keyboard (13) for entering an input. Even though Yui does not particularly disclose a remote control unit, it is obviously well known to use a remote control unit, such as a TV remote controller, as a means to enter input.

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*Allowable Subject Matter*

6. Claims 14-17 are allowed as previously discussed in the Office action as Paper 3.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number (703) 305-0099 and schedule are Tuesday through Friday.

SHAWN S. AN  
PATENT EXAMINER



SSA

March 25, 2003